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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,423	10/31/2003	Ken G. Pomaranski	200209704-1	2068
22879	7590	12/14/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			CHERRY, STEPHEN J	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/699,423	POMARANSKI ET AL.	
	Examiner	Art Unit	
	Stephen J. Cherry	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5-9-05, 10-31-03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 11 and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8-2-2005.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because of the use of the legal phrase "a computer system comprising". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

Art Unit: 2863

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "the first cell" and "the cell subsequent to the cell being de-allocated". There is insufficient antecedent basis for this limitation in the claim. Although the claim recites "a cell", it is not clear if these later references are referring to "a cell", or additional cells because of inconsistency in terminology in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 13-14, 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,425,094 to Drogichen et al.

Claim 1 recites, as disclosed by Drogichen:

1. A computer system comprising:
a system module ('094, col. 5, line 37, "system controller");
a test module ('094, col. 5, line 37, "test process");
a first cell ('094, col. 3, line 64, and fig. 1, first 110 and 112); and

a second cell ('094, col. 3, line 64, and fig. 1, second 110 and 112);
wherein the system module is configured to cause the test module to test
the first cell subsequent to the second cell being allocated to a first
instance of an operating system ('094, col. 5, line 33).

Claim 2 recites, as disclosed by Drogichen:

2. The computer system of claim 1 wherein the system module is
configured to cause the first cell to be de-allocated from the first instance
of the operating system prior to causing the test module to test the first cell
(‘094, col. 5, line 37, “caged”).

Claim 3 recites, as disclosed by Drogichen:

3. The computer system of claim 2 wherein the system
module is configured to cause the second cell to be allocated to the first
instance of the operating system subsequent to causing the first cell to be
de-allocated from the first instance of the operating system ('094, col. 5,
line 33, controller in place at time newly inserted controller is inserted).

Claim 4 recites, as disclosed by Drogichen:

4. The computer system of claim 1 wherein the system
module is configured to cause the test module to test the first cell in
response to accessing a list that identifies floating cells ('094, col. 4, line
32, “cage mode bits”).

Claim 5 recites, as disclosed by Drogichen:

5. The computer system of claim 1 wherein the system module is configured to cause the test module to test the first cell in response to accessing a list that identifies cells allocated to the first instance of the operating system ('094, col. 4, line 32, "cage mode bits" for cells in operating system).

Claim 6 recites, as disclosed by Drogichen:

6. The computer system of claim 1 wherein the test module includes a diagnostic test, and wherein the test module causes the first cell to be tested using the diagnostic test ("094, col. 5, line 37, "diagnostic test").

Claim 7 recites, as disclosed by Drogichen:

7. The computer system of claim 1 wherein the first cell includes a diagnostic test, and wherein the test module causes the first cell to be tested by initiating the diagnostic test ("094, col. 5, line 37, "diagnostic test").

Claim 8 recites, as disclosed by Drogichen:

8. The computer system of claim 1 wherein the test module is configured to detect an error in response to testing the first cell, and wherein the test module is configured to cause remedial action associated with the error to be performed in response to detecting the error ('094, col. 5, line 26).

Claim 9 recites, as disclosed by Drogichen:

9. The computer system of claim 1 wherein the test module couples to the first cell using an I2C connection ('094, col. 6, line 40).

Claim 10 recites, as disclosed by Drogichen:

10. The computer system of claim 1 wherein the first cell comprises a processing system ('094, 110).

Claim 13 recites, as disclosed by Drogichen:

13. The computer system of claim 1 wherein the system module is configured to allocate the first cell to a second instance of the operating system subsequent to the test module testing the first cell ('094, col. 7, line 9 and col. 8, line 13).

Claim 14 recites, as disclosed by Drogichen:

14. A method performed by a computer system comprising: detecting that a first cell that is allocated to an operating system is to be tested ('094, col. 5, line 37, "test process"); de-allocating the first cell from the operating system ('094, col. 5, line 37, "caged"); allocating a second cell to the operating system ('094, col. 6, line 14); and testing the first cell ('094, col. 5, line 37).

Claim 17 recites, as disclosed by Drogichen:

17. The method of claim 14 further comprising: storing results associated with testing the first cell ('094, col. 5, line 45).

Claim 18 recites, as disclosed by Drogichen:

18. The method of claim 14 further comprising: allocating the first cell to the operating system subsequent to testing the cell ('094, col. 5, line 48, "uncaged").

Claim 19 recites, as disclosed by Drogichen:

19. A system comprising:
a cell allocated to an operating system ('094, fig. 1, "1st controller");
a first means for de-allocating the first cell from the operating system ('094, col. 5, line 35, "caged"); and
a second means for testing the cell subsequent to the cell being de-allocated from the operating system ('094, col. 5, line 37).

Claim 20 recites, as disclosed by Drogichen:

20. The system of claim 19 wherein the second means is for performing electrical tests on the cell ('094, col. 5, line 37).

Claim 21 recites, as disclosed by Drogichen:

21. The system of claim 19 wherein the second means is for performing functional tests on the cell ('094, col. 5, line 37).

Claim 22 recites, as disclosed by Drogichen:

22. The system of claim 19 wherein the first means is for causing the second means to test the cell ('094, col. 5, line 34).

Claim 23 recites, as disclosed by Drogichen:

23. The system of claim 19 wherein the second means is for detecting an error in the cell in response to testing the cell, and wherein the second

means is for causing remedial action to be taken in response to detecting the error ('094, col. 5, line 60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,425,094 to Drogichen et al in view of U.S. Patent Application Publication 2004/0103394 to Manda et al.

The claims recite, as disclosed by Drogichen:

detecting that a first cell that is allocated to an operating system is to be tested ('094, col. 5, line 37, "test process"); de-allocating the first cell from the operating system ('094, col. 5, line 37, "caged"); allocating a second cell to the operating system ('094, col. 6, line 14); and testing the first cell ('094, col. 5, line 37).

However, Drogichen does not disclose how the times between tests scheduled.

The claims further recite determining a time of previous test and scheduling test times, as disclosed by Manda ('394, par. 89).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the tests of Drogichen with the scheduling of Manda to ensure that the components are tested on a regular basis.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJC


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